

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-40 are pending in this application. Claims 14-31 are withdrawn. Claim 1 is amended without prejudice hereby.

II. TELEPHONIC INTERVIEW

On November 4, 2008 the Examiner and Applicant's representative had a telephonic interview, for which the Applicant's representative thanks the Examiner. The Examiner indicated that the amendment and arguments below would overcome the rejections under 35 U.S.C. § 112.

Regarding the rejections under 35 U.S.C. §§102/103(a), discussed below, agreement was not reached. While agreement was not reached, the Examiner favorably indicated that the arguments below would overcome the cited art of record, unless the Examiner found additional grounds for asserting the cited art upon further review.

III. REJECTIONS UNDER 35 U.S.C. §112

Claims 1-13 and 32-40 are rejected under 35 U.S.C. § 112, second paragraph. The Office Action rejects claims 1-13, 39 and 40 alleging that the term "first" is unclear because the claim does not specify the subsequent step. Applicant notes that the amendment was simply a clarifying amendment, and did not change the scope of the claim. The claims presently recite "a polymeric coating or impregnating material or a rubber material that is a part of each or said individual preformed layers," in that "each individual preformed layer is a textile layer coated or impregnated with a resin or the rubber material." Thus the claims are clear that the claimed

substrate is formed of individual layers of preformed components that are first coated or impregnated with a polymer resin or rubber material and then combined to form the claimed substrate. The use of the term “first” was simply to clarify that each individual preformed layer is itself coated or impregnated with a resin or rubber material. However, even absent the term “first,” claim 1 clearly recites that “each individual preformed layer” is a textile layer coated or impregnated with a resin or rubber material. That is to say, it is perfectly clear that each individual preformed layer is itself coated or impregnated.

The Office Action also rejects claims 1-13, 39 and 40 alleging the term “coated/impregnated” renders the claim indefinite. Applicant has amended the claim to recite “coated or impregnated.” However, Applicant notes that these forms of treatment are well understood in the art, and the amendment in no way surrenders or otherwise creates estoppel regarding the terms “coated or impregnated,” including the terms as used in the alternative or to the extent that these terms overlap.

The Office Action rejects claims 32-38 for the use of the term “papermaker’s process belt.” Applicant notes that this term is well known in the art, and refers quite plainly to a belt used in a papermaker’s process. An ordinarily skilled artisan would be in no way confused whatsoever that “a papermaker’s process belt” is a belt for use in the papermaking process. As explained in the book *Papermachine Felts and Fabrics*, Veil-Balloo Press, Inc., Albany International, 1976, in the chapter entitled “Papermachine Clothing: its History and Function on the Papermachine,” the relevant portion of which is attached hereby, the papermachine clothing (i.e., such as belts) and the papermaking industries have always been dependent upon one another, particularly in the last 100 years. The use of belts in papermaking has ancient beginnings. No ordinarily skilled artisan would reasonably interpret the term “papermaker’s

process belt” as “simply a process belt that may be owned and/or used by a papermaker.”

Applicant thus urges reconsideration and withdrawal of the rejection.

In view of the comments above, and the telephonic interview above, Applicant urges reconsideration and withdrawal of the rejection.

IV. REJECTIONS UNDER 35 U.S.C. §102(b) AND 35 U.S.C. §103(a)

Claims 1-11, 13 and 32-40 are rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over U.S. Patent No. 5,753,485 to FitzPatrick (“FitzPatrick”). Claim 1 recites, *inter alia*,

A substrate...comprising: a plurality of individual preformed layers and a polymeric coating or impregnating material or rubber material that is part of each of said individual preformed layers,

wherein each individual preformed layer is a textile layer first coated or impregnated coated or impregnated with resin or the rubber material....

As explained in the prior responses, FitzPatrick fails to teach the above-recited limitation, and instead shows a single textile layer formed as a multilayer weave, and that structure is then coated. At page 5, the Office Action responds saying that “Applicant’s argument is not persuasive because the Applicant has failed to show, or attempt to show that this process disclosed by FitzPatrick results in a patentably distinct structure.” Applicant disagrees, as the record is replete with explanations of the differences between FitzPatrick and the claimed structure. Accordingly, as discussed in the telephonic interview, Applicant respectfully refers the following exemplary arguments.

As pointed out in pages 8-10 of the Amendment dated May 13, 2008, Figure 6 of FitzPatrick shows three layers of materials such as yarns, which are brought together. This entire substrate is then covered with a single coating. See col. 5 lines 38-49 of FitzPatrick. The claim,

to the contrary, recites that “each individual preformed layer” is “coated or impregnated with resin or the rubber material.” As each layer is accordingly coated or impregnated, the layers have fusible material which allows lamination between the layers to take place. Such a technique causes **a fairly complete lamination between adjacent layers, at nearly 100 percent coverage**, and this is something that Fitzpatrick’s structure does not achieve.

Structurally, FitzPatrick’s multilayer substrate does not have the distinct resin layers as claimed: “a polymeric coating or impregnating material or rubber material that is **a part of each said individual preformed layer**, wherein **each individual preformed layer** is a textile layer coated or impregnated with resin or the rubber material.”

Thus, with all due respect, the Office Action wrongfully states that “Applicant has failed to show, or attempt to show, that the process disclosed by FitzPatrick results in a patentably distinct structure.” As explained above, and in paragraphs 36 and 42 of the present application, the claimed structure results in a structure where each layer that makes up the belt is laminated to an adjacent layer. Accordingly, FitzPatrick fails to anticipate or render obvious a substrate comprising: “a plurality of individual preformed layers and **a polymeric coating or impregnating material or rubber material that is a part of each said individual preformed layer, wherein each individual preformed layer is a textile layer coated or impregnated with resin or the rubber material.**”

At page 5 the Office Action alleges Applicants assert “FitzPatrick does not teach or suggest a multilayer structure” and that “the Applicant asserts that the layers of Figure 6 [of FitzPatrick] are individual preformed layers prior to being impregnated, but that once the layers are impregnated with one polymeric resin material, the layers are no longer “individual preformed layers.” Again, with all due respect, Applicant did not so argue. Rather, Applicant

unambiguously argued that “FitzPatrick does not disclose a multilayer structure as claimed in claim 1.” Submission at page 9 emphasis in original. Applicant’s arguments in the prior submission are clear on their face, and may be found at pages 9-11 of the prior submission, the entirety of which is incorporated by reference herein. The remarks explain the differences between FitzPatrick and the claimed structure.

For at least the foregoing reasons, Applicant submits that claim 1 is patentably distinguished over FitzPatrick, and is therefore allowable. As independent claim 32 is somewhat similar to scope in claim 1, it is allowable for the same reasons. Accordingly, for the reasons given above and during the telephonic interview. Applicant respectfully requests reconsideration and withdrawal of the rejections thereto.

V. DEPENDENT CLAIMS

Claims 2-13 and 33-40 in this application are each dependent from one of the independent claims discussed above and is therefore patentable for at least the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, however, the individual reconsideration and patentability of each on its own merits is respectfully requested.

In the event the Examiner disagrees with any of the above arguments, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing a basis for a contrary view.

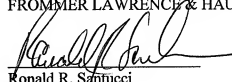
CONCLUSION

In view of the foregoing remarks, all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
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APPENDIX

Paper Machine Clothing: Its History and Function on the Paper Machine

Early Felt Manufacture and Papermaking

The paper machine clothing and papermaking industries have always been dependent upon one another, particularly in the last one hundred years. Both processes have ancient beginnings.

Papermaking as we know it today began in China about 100 A.D. when Ts'ai Lun discovered a method to produce a coarse sheet of paper: he soaked and beat wood fibers into pulp and then spread the wet material on a cloth to dry. Felt making began around 900 B.C. when the Greeks matted a fibrous material such as wool or animal hair to produce felt for caps, blankets, and helmet linings for soldiers. Heavy felt was also used for armor for Julius Caesar's soldiers and for clothing and tents for ancient nomadic tribes such as the Scythians of northern Asia.

As early as the eleventh century, hand processing of paper in Europe required that felts be used for couching and pressing. The paper fibers first were probably formed on a mold of wire cloth by dipping. After most of the water had drained away, the mold was pressed against a felt and the sheet transferred or "couched" from the mold to the felt. After couching, paper and felt were pressed to remove excess water. The paper sheet was then allowed to air dry. Such is a simplification of modern papermaking with its three main stages: forming, pressing, and drying.

The earliest papermaking felts of matted animal hair or wool were superseded in the eighteenth century by wool cloths which were woven and then fulled or felted. The qualities of these felts have always been important to the papermaker. Desmarest described felts for handmade paper in 1788 (Paris: "Art de fabriquer le papier," des "Arts et métiers mécaniques" de l'*Encyclopédie méthodique*): he noted that felts should be strong but supple and able to quickly absorb and readily give up water. For the latter purposes, he prescribed a web or filling of loosely spun carded wool, woven like light cloth. He advocated, moreover, that the filling should cover the warp or lengthwise yarns so that the cloth texture would not mark the paper.

In 1799, the first paper machine was invented and patented by Louis Robert, and in 1827 the fourdrinier machine was introduced to the United States. Robert's machine used an endless wire cloth belt that was stretched around two rolls. The paper was formed and drained on this wire, which was made of brass on the earliest machines; bronze was used in later years. Between 1830 and 1845 America's handmade paper manufacture practically disappeared.

Felts for papermaking were first manufactured in the United States in 1854. A woolen mill in Hamilton, Ohio, owned by Asa Schuler, made piece